

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

ROBERT ZENAS WHIPPLE, III  
#399615

Plaintiff,

v.

DERRICK SCHOFIELD, et al.

Defendants.

Case No. 1:13-cv-109  
JUDGE HAYNES

JURY DEMAND

*Based upon  
the new evidence  
the prior Order  
CD 12 No 73 is set  
aside. The motion  
is GRANTED.  
J. L. [Signature]  
2-19-14*

**MOTION TO RECONSIDER (Docket Entry 73)**

The Defendants file this Motion to Reconsider the Court's ruling on December 18, 2013 granting Plaintiff's Motion to Reconsider and ordering that Plaintiff be seen by Dr. Jeffrey Eskin (D.E. No. 73). As grounds for this Motion, Defendants state that Plaintiff was examined by a board-certified gastroenterologist, Duane Smoot, M.D. on December 12, 2013 (D.E. Nos. 77, 77-1). Dr. Smoot ordered the patient to continue taking Prilosec (Omeprazole) 20 mg. daily and further ordered that the patient undergo an Esophagogastroduodenoscopy ("EGD"), which test is scheduled for January 2, 2014 at Nashville General Hospital at Meharry (See the Declaration of Otis Campbell, M.D. at Exhibit A). This information was not available to the Court on December 18, 2013 at the time of the ruling but is now of record.

As evidenced by the Declaration of Dr. Campbell and Dr. Smoot's examination and record on December 12, 2013 (D.E. Nos. 77, 77-1), Plaintiff is receiving appropriate